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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,	)	Case No.
a state agency,	)	
	)	FPPC No.: 020422
Plaintiff,	)	
	)	COMPLAINT FOR CIVIL
v.	)	PENALTIES UNDER THE
	)	POLITICAL REFORM ACT OF 1974,
DEMOCRATIC CONGRESSIONAL	)	AS AMENDED
CAMPAIGN COMMITTEE AND JANICA	)	
KYRIACOPOULOS,	)	(Government Code §§ 91001(b) and
	)	91004)
Defendants.	)	
	)	UNLIMITED CIVIL ACTION

Plaintiff FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Government Code sections 81000 through 91014.)

**JURISDICTION AND VENUE**

2. This court has original jurisdiction over the amount in controversy in this matter. As the causes of action in this matter occurred in connection with campaign statements and reports that should have been filed with the Office of the California Secretary of State, located in the County of Sacramento, the County of Sacramento is the proper venue for this action, pursuant to Code of Civil Procedure section 393.

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1 **PARTIES**

2 **PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION**

3 3. Plaintiff Fair Political Practices Commission (the “Commission”) is a state agency  
4 created by the Political Reform Act of 1974 (the “Act”). The Commission has primary responsibility for  
5 the impartial, effective administration and implementation of the Act. (Gov. Code § 83111.) Pursuant  
6 to Government Code section 91001, subdivision (b), the Commission is the civil prosecutor for matters  
7 involving state committees and state election campaigns, and is authorized to maintain this action under  
8 Government Code sections 91001, subdivision (b), 91004, 91005 and 91005.5.

9 **DEFENDANTS DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE AND JANICA**  
10 **KYRIACOPOULOS**

11 4. Defendant Democratic Congressional Campaign Committee (the “DCCC”) was, at all  
12 times relevant to this matter, a recipient committee as defined in Government Code section 82013,  
13 subdivision (a), and a state general purpose committee as defined in Government Code section 82027.5,  
14 subdivisions (a)-(b).

15 5. Defendant Janica Kyriacopoulos (“Kyriacopoulos”) was, at all times relevant to this  
16 matter, the treasurer of Defendant DCCC.

17 **CAMPAIGN REPORTING REQUIREMENTS**

18 6. An express purpose of the Act, as set forth in Government Code section 81002,  
19 subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are  
20 fully and truthfully disclosed to the public, so that voters may be better informed, and so that improper  
21 practices may be inhibited.

22 7. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign  
23 reporting system, designed to disclose to the public, in a timely manner, the election activities of  
24 California political candidates and committees. (Gov. Code § 84200 et seq.)

25 **CIVIL LIABILITY**

26 8. Government Code section 91004 provides that any person who intentionally or  
27 negligently violates any of the reporting requirements of the Act shall be liable in a civil action in an  
28 amount up to the amount(s) not properly reported. Persons that violate Government Code sections

84200, 84203 and 84605 are liable in a civil action brought pursuant to Government Code section 91004.

9. Pursuant to Government Code sections 81004, subdivision (b) and 84100, and California Code of Regulations, title 2, section 18427, subdivision (a), it is the duty of a committee's treasurer to ensure that the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such funds. A committee's treasurer may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee. (Gov. Code § 91006.)

### **FIRST CAUSE OF ACTION**

#### **(FAILURE TO REPORT A LATE CONTRIBUTION)**

10. Plaintiff re-alleges, and incorporates herein, paragraphs one through nine, as though set forth at length.

11. Pursuant to Government Code section 84203, subdivision (a), when a recipient committee makes a late contribution, the recipient committee must file a late contribution report, disclosing the contribution, with the Office of the Secretary of State within 24 hours of making the contribution.

12. When the recipient committee is also a state general purpose committee, under Government Code section 84215, subdivision (a), the committee must file the late contribution report as follows: (1) the original and one copy with the Secretary of State; (2) two copies with the Registrar-Recorder of the County of Los Angeles; and (3) two copies with the Registrar of Voters of the City and County of San Francisco.

13. Government Code section 82036 defines a "late contribution" as a contribution aggregating \$1,000 or more that is received before an election, but after the closing date of the last pre-election campaign statement that is required to be filed.

14. Under Government Code sections 82036 and 84200.7, the late contribution period prior to an election is the last 16 days before the election.

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1 FAILURE TO REPORT A \$10,000 LATE CONTRIBUTION BY OCTOBER 25, 2000

2 15. On October 24, 2000, Defendant DCCC made a late contribution in the amount of  
3 approximately \$10,000 to the Assembly Democratic Leadership 2000 Committee, a controlled  
4 committee of then-Assembly Speaker Robert Hertzberg, who was a candidate for election in the  
5 November 7, 2000 general election.

6 16. After making the \$10,000 late contribution to the Assembly Democratic Leadership 2000  
7 Committee, Defendants DCCC and Kyriacopoulos had a duty to file a late contribution report no later  
8 than October 25, 2000, disclosing the late contribution. Defendants did not file a late contribution report  
9 disclosing the late contribution by the October 25, 2000 due date.

10 17. By negligently failing to disclose a \$10,000 late contribution to the Assembly Democratic  
11 Leadership 2000 Committee in a properly filed late contribution report by October 25, 2000, Defendants  
12 violated Government Code section 84203, subdivision (a).

13 **SECOND CAUSE OF ACTION**

14 (FAILURE TO FILE A SEMI-ANNUAL STATEMENT)

15 18. Plaintiff re-alleges, and incorporates herein, paragraphs one through nine, as though set  
16 forth at length.

17 19. Government Code section 84200, subdivision (a) requires a recipient committee to file  
18 two semi-annual campaign statements each year. The first semi-annual campaign statement, covering  
19 the first half of the year, must be filed by July 31. The second semi-annual campaign statement covering  
20 the second half of the year, must be filed by January 31 of the following year. Under section 84215, the  
21 statement must be filed with the Office of the Secretary of State, and copies must be filed at other  
22 locations as specified in subdivisions (a)-(c) of that section.

23 20. Government Code section 84200.5 requires a committee to file two pre-election  
24 campaign statements, disclosing contributions received and expenditures made before any election in  
25 which the committee is engaged in campaign activity. Under section 84200.7, subdivision (b), the first  
26 pre-election campaign statement prior to a November election held in an even-numbered year must  
27 cover activity through September 30, and be filed by October 5. Under the same section and  
28 subdivision, the second pre-election campaign statement prior to a November election held in an even-

1 numbered year must cover activity through the 17 days prior to the election, and must be filed by 12  
2 days prior to the election. In any semi-annual period in which a committee is required to file pre-  
3 election campaign statements, the reporting period covered by the semi-annual campaign statement for  
4 that period is shortened from six months to the period between the closing date of the last pre-election  
5 statement and the end of the semi-annual period. As a result of the duty to file pre-election campaign  
6 statements prior to the November 2000 election, the reporting period for Defendant DCCC's second  
7 semi-annual campaign statement for 2000 was October 22, 2000 through December 31, 2000.

8 **FAILURE TO FILE A SEMI-ANNUAL STATEMENT BY JANUARY 31, 2001**

9 21. During the second semi-annual reporting period of October 22, 2000 through December  
10 31, 2000, Defendant DCCC received approximately one thousand six hundred forty-seven (1,647)  
11 contributions totaling \$3,123,740, and used that money to make approximately twenty-seven (27)  
12 contributions to various Democratic candidates and committees throughout California.

13 22. After Defendant DCCC received contributions and made expenditures of \$1,000 or more,  
14 Defendants DCCC and Kyriacopoulos had a duty to file a semi-annual campaign statement no later than  
15 January 31, 2001, disclosing the contribution and expenditure activity of Defendant DCCC during the  
16 semi-annual reporting period of October 22, 2000 through December 31, 2000. Defendants negligently  
17 failed to file a semi-annual campaign statement disclosing their contribution and expenditure activity by  
18 the January 31, 2001 due date.

19 23. By negligently failing to file a semi-annual campaign statement by January 31, 2001,  
20 Defendants violated Government Code section 84200, subdivision (a).

21 **THIRD CAUSE OF ACTION**

22 **(TWO VIOLATIONS – FAILURE TO FILE REPORTS ELECTRONICALLY)**

23 24. Plaintiff realleges, and incorporates herein, paragraphs one through twenty-three.

24 25. Government Code section 84605, subdivision (b) requires any general purpose  
25 committee, including any general purpose committee of a political party, that cumulatively receives  
26 contributions or makes expenditures totaling fifty thousand dollars (\$50,000) or more to support or  
27 oppose candidates for an elective state office or state measure, to file its campaign statements and  
28

1 reports online or electronically with the Secretary of State, beginning July 1, 2000, for every reporting  
2 period thereafter.

3 26. During the second semi-annual reporting period of October 22, 2000 through December  
4 31, 2000, Defendant DCCC received contributions of \$3,123,740, and made expenditures of \$3,123,740,  
5 to support or oppose candidates for elective state office or state measures.

6 27. As Defendant DCCC was a general purpose committee that cumulatively received  
7 contributions totaling \$50,000 or more, and made expenditures totaling \$50,000 or more, Defendants  
8 DCCC and Kyriacopoulos thereafter had a duty to file the campaign statements of Defendant DCCC  
9 electronically with the Office of the Secretary of State, in addition to filing the statements in a paper  
10 format.

11 FAILURE TO ELECTRONICALLY FILE A LATE CONTRIBUITON REPORT BY  
12 OCTOBER 25, 2000

13 28. As described in the First Cause of Action, at paragraphs 10 through 17, Defendants  
14 DCCC and Kyriacopoulos had a duty to file a late contribution report to disclose a \$10,000 late  
15 contribution to the Assembly Democratic Leadership 2000 Committee, made on October 24, 2000, in a  
16 properly filed late contribution report, by October 25, 2000.

17 29. As a consequence of Defendant DCCC having received contributions and having made  
18 expenditures totaling \$50,000 or more, as described in paragraph 26 above, Defendants DCCC and  
19 Kyriacopoulos were required to disclose the \$10,000 late contribution to the Assembly Democratic  
20 Leadership 2000 Committee, made on October 24, 2000, in an electronically filed late contribution  
21 report, by October 25, 2000, in addition to disclosing the contribution in a manually filed paper version  
22 of the report, as described in the First Cause of Action. Defendants negligently failed to electronically  
23 file a late contribution report disclosing said late contribution by the October 25, 2000 due date.

24 30. By negligently failing to disclose a \$1,000 late contribution to the Assembly Democratic  
25 Leadership 2000 Committee, in an electronically filed late contribution report by October 25, 2000,  
26 Defendants violated Government Code section 84605, subdivision (b).

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1 FAILURE TO ELECTRONICALLY FILE A SEMI-ANNUAL STATEMENT BY JANUARY 31, 2001

2 31. As described in the Second Cause of Action, at paragraphs 18 through 23, Defendants  
3 DCCC and Kyriacopoulos had a duty to file a semi-annual campaign statement for the reporting period  
4 October 22 through December 31, 2000, disclosing \$3,123,740 in contributions and expenditures, by  
5 January 31, 2001.

6 32. As a consequence of Defendant DCCC having received contributions and having made  
7 expenditures totaling \$50,000 or more, as described in paragraph 26 above, Defendants DCCC and  
8 Kyriacopoulos were required to electronically file a semi-annual campaign statement with the Office of  
9 the Secretary of State, by January 31, 2001, for the reporting period October 22, 2000 through December  
10 31, 2000, in addition to manually filing a paper version of the statement, as described in the Second  
11 Cause of Action. Defendants negligently failed to electronically file a semi-annual campaign statement  
12 for the reporting period October 22, 2000 through December 31, 2000, by the January 31, 2001 due date.

13 33. By negligently failing to file a semi-annual campaign statement by January 31, 2001, for  
14 the reporting period October 22, 2000 through December 31, 2000, Defendants violated Government  
15 Code section 84605, subdivision (b).

16  
17 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

18 1. For statutory penalties against Defendants, payable to the "General Fund of the State of  
19 California," according to proof, in an amount up to the amount not properly reported, as permitted by  
20 Government Code section 91004.

21 2. For such other and further relief as the Court may deem proper.

22  
23 Dated: FAIR POLITICAL PRACTICES COMMISSION

24  
25 By: \_\_\_\_\_  
26 Jennie Eddy  
27 Attorney for Plaintiff  
28 Fair Political Practices Commission